

Appln No. 09/963,872
Amdt date July 12, 2004
Reply to Office action of March 11, 2004

REMARKS/ARGUMENTS

In the Office action dated March 11, 2004, the examiner rejected claims 1-9, 11-19, 21-27 and 29 under 35 U.S.C. 103(a) as unpatentable over Wang. According to the examiner, Wang teaches a method for coating a spinel with a hydroxide, preferably lithium, sodium or potassium. In order to better distinguish the invention over Wang, applicant has amended independent claims 1 and 12 to recite a positive active material that is coated with a coating-element source comprising elements limited to the preferred from Group IIIA, Group IVA and Group VA, namely B, Al, Ga, Si, Ge, Sn and As. Such a combination of elements is neither taught nor suggested by Wang, and therefore, these claims are allowable over Wang as are dependent claims 2-7, 9, 12-17, 19 and 21.

As to independent claim 22 and claims 23-27 and 29 which depend from claims 22, applicant requests that the examiner reconsider his rejection of this group of claims. Independent claim 22 specifically recites the use of a solution including either an Al source or a B source for coating a positive active material. In contrast, nowhere does Wang teach or suggest coating a positive active material with coating elements comprising Al or B. Consequently, this group of claims is allowable over Wang.

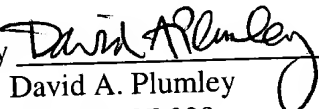
For dependent claims 9 and 19, these claims recite Al or B as the preferred coating elements. As mentioned above, Wang neither teaches nor suggests coating a positive active material with coating elements comprising Al or B. Therefore, claims 9 and 19 are still further allowable over Wang for the same reasons that claims 22-27 and 29 are allowable over Wang.

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Claims 1-7, 9, 11-17, 19, 21-27 and 29 remain in this application. Applicant submits that the remaining claims are in condition for allowance and such action is requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
David A. Plumley
Reg. No. 37,208
626/795-9900

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